

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TERRY WARREN

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Appeal No. 2004-2349  
Application No. 09/632,318

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ON BRIEF

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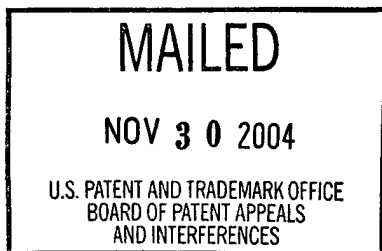
Before THOMAS, HAIRSTON, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-42, which are all the claims in the application.

We reverse.



### BACKGROUND

The invention relates to associating program objects (represented visually by graphics images such as buttons, menus, images, bars, windows, and other icons) with program resources (functions, applications, programs, scripts, commands, or other sequences of events which occur in response to activation of a program object) to make program components. The program components are assigned to particular slots in a template. The disclosed modular nature of the invention facilitates updating of an Internet access client user interface. (Spec. at 5-6.) Representative claim 1 is reproduced below.

1. A method of creating a customized Internet access client user interface comprising:

selecting a first program object from a first set of available program objects based in part upon profile data associated with a local device;

selecting a first program resource from a first set of available program resources based in part upon the profile data;

sending the first program object to an Internet access client at the local device;

sending the first program resource to the Internet access client at the local device;

sending a first rule to the Internet access client at the local device to associate the first program object with the first program resource to form a first program component; and

sending a second rule to the Internet access client at the local device to assign the first program component to a first slot associated with a template for an Internet access client user interface.

Appeal No. 2004-2349  
Application No. 09/632,318

The examiner relies on the following references:

Brown et al. (Brown)	6,026,368	Feb. 15, 2000 (filed Jul. 17, 1995)
Sutcliffe et al. (Sutcliffe)	6,253,216 B1	Jun. 26, 2001 (filed Jun. 13, 1997)

Claims 1-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sutcliffe and Brown.

We refer to the Final Rejection (Paper No. 8) and the Examiner's Answer (Paper No. 23) for a statement of the examiner's position and to the Brief (Paper No. 20) for appellant's position with respect to the claims which stand rejected.

#### OPINION

We cannot sustain the § 103 rejection of the claims, essentially for the reasons articulated by appellants in the Brief.

The statement of the rejection of representative claim 1 (Answer at 4-7) asserts that Sutcliffe teaches all relevant requirements but for the use of "rules." The rejection turns to Brown for teachings with respect to rules.

While the rejection points to various elements of Sutcliffe as corresponding to the respective claimed template, program object, and program resource, the rejection does not show disclosure or suggestion in Sutcliffe of the first four steps set forth by claim 1.

Sutcliffe describes a construction and use of a personal web page. Col. 5, l. 59 et seq. A user may use a template to enter information for the page (col. 7, ll. 24-30; Fig. 4A), with the information stored in tables (e.g., col. 8, ll. 18-22; Fig. 3).

Instant claim 1 requires the separate steps of sending a program object and a program resource to an Internet access client at a local device. Sutcliffe expressly describes how a personal page may be assembled and displayed on a local device. Col. 11, ll. 4-28. Even if we accept the premise of what seems to be the examiner's position set out at page 11 of the Answer -- that an "Internet access client" requires no more than an Internet browser -- Sutcliffe at most describes templates as the basis for proper placement of tabular data on a display device; i.e., "assembles all of the fields corresponding to the personal page and 'prints' them in the manner of a World Wide Web page to be viewed by the remote user having permission to view the personal page." Sutcliffe col. 11, ll. 18-21.

We further agree with appellant that the artisan would only have applied Brown's teachings relating to "rules" to the disclosure of Sutcliffe in an effort to reconstruct the invention in hindsight. Brown is directed, as noted in the first sentence of the Abstract, to prioritized queues of advertising and content data. Brown's rules link target entities and content segments. Col. 13, ll. 27-35; col. 14, ll. 13-22. The content segments are types of media such as gif files, video streams, text files, and applications. Col. 11, ll. 7-36. The rules of instant claim 1, however, relate to associating a program object with

Appeal No. 2004-2349  
Application No. 09/632,318

a program resource to form a program component, and assigning a program component to a slot associated with a template.

The remainder of the independent claims (11, 21, 31, and 41) contain limitations similar to those of claim 1 for which the rejection falls short. We thus cannot sustain the § 103 rejection of any of claims 1 through 42.

Appeal No. 2004-2349  
Application No. 09/632,318

## CONCLUSION

The rejection of claims 1-42 under 35 U.S.C. § 103 as being unpatentable over Sutcliffe and Brown is reversed.

REVERSED

JAMES D. THOMAS  
Administrative Patent Judge

KENNETH W. HAIRSTON  
Administrative Patent Judge

**HOWARD B. BLANKENSHIP**  
Administrative Patent Judge

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Appeal No. 2004-2349  
Application No. 09/632,318

SOCAL IP LAW GROUP  
310 N. WESTLAKE BLVD. STE 120  
WESTLAKE VILLAGE , CA 91362